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## STATUTORY INSTRUMENTS

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# 2021 No. 745

## The Ecodesign for Energy-Related Products and Energy Information Regulations 2021

### PART 2

#### Ecodesign for Energy-Related Products

#### CHAPTER 2

#### REFRIGERATING APPLIANCES WITH A DIRECT SALES FUNCTION

#### Application and interpretation

9.—(1) Subject to paragraph (2), this Chapter applies to electric mains-operated refrigerating appliances with a direct sales function, including appliances sold for refrigeration of items other than foodstuffs.

(2) Nothing in this Chapter applies to—

- (a) food processing refrigerating appliances with a direct sales function;
- (b) professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers as defined in Article 2 of Regulation (EU) 2015/1095<sup>(1)</sup>;
- (c) refrigerating appliances with a direct sales function powered only by energy sources other than electricity;
- (d) refrigerating appliances with a direct sales function specifically tested and approved for the storage of medicines or scientific samples;
- (e) refrigerating appliances with a direct sales function with no integrated system for producing cooling, which function by ducting chilled air that is produced by an external air chiller unit, except—
  - (i) remote cabinets;
  - (ii) category 6 refrigerated vending machines, as specified in Part 2 of Table 7 in Schedule 4.
- (f) the remote components, such as the condensing unit or compressors to which a remote cabinet needs to be connected in order to function;
- (g) wine storage appliances and minibars.

(3) In this Chapter and Schedules 3 to 5—

“compartment”—

- (a) means an enclosed space within a refrigerating appliance with a direct sales function, separated from other compartments by a partition, container, or similar construction,

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(1) EUR 2015/1095; relevant amending instruments are [S.I. 2019/539](#) and [2020/1528](#).

which is directly accessible through one or more external doors and may itself be divided into sub-compartments; and

(b) unless otherwise specified, includes sub-compartments;

“condensing unit” means a product integrating at least one electrically driven compressor and one condenser, capable of cooling down and continuously maintaining low or medium temperature inside a refrigerated appliance or system, using a vapour compression cycle when the unit is connected to an evaporator and an expansion device;

“external door” is the part of a refrigerating appliance with a direct sales function that can be moved or removed to allow the load to be moved from the exterior to the interior or from the interior to the exterior of the appliance;

“food processing refrigerating appliance with a direct sales function”—

(a) means a refrigerating appliance with a direct sales function specifically tested and approved for carrying out food processing such as ice-cream makers, microwave-equipped refrigerated vending machines or ice makers; and

(b) does not include refrigerating appliances with a direct sales function equipped with one compartment specifically designed for carrying out food processing which is equivalent to less than 20 per cent of the appliance total net volume;

“foodstuffs” means food, ingredients, beverages, including wine, and other items primarily used for human consumption which require refrigeration at specified temperatures;

“gross volume” means the volume within the inside liners of the compartment, without internal fittings and with door or lid closed, in cubic decimetres (dm<sup>3</sup>) or litres (L);

“minibar” means a refrigerating appliance with a total volume of maximum 60 litres, which is primarily intended for the storage and sales of foodstuffs in hotel rooms and similar premises;

“net volume” means the part of the gross volume of any compartment which is left after deduction of the volume of components and spaces unusable for the storage or display of foodstuffs and other items, in dm<sup>3</sup> or L;

“operating temperature” means the reference temperature inside a compartment during testing;

“refrigerated vending machine” means a refrigerating appliance with a direct sales function designed to accept consumer payments or tokens to dispense chilled foodstuffs or other items without on-site labour intervention;

“refrigerating appliance with a direct sales function” means an insulated cabinet—

(a) with one or more compartments that are controlled at specific temperatures, cooled by natural or forced convection through one or more energy consuming means;

(b) that is intended for displaying and selling, with or without assisted serving, foodstuffs and other items at specified temperatures below the ambient temperature to customers;

(c) is accessible directly through open sides or through one or more doors, or drawers or both, including refrigerating appliances with a direct sales function with areas used for storage of foodstuffs and other items not accessible by customers;

“remote cabinet” means a refrigerating appliance with a direct sales function which consists of a factory-made assembly of components that in order to function as a refrigerating appliance with a direct sales function, needs to be connected additionally to remote components (such as a condensing unit or compressor) which are not an integral part of the cabinet;

“specifically tested and approved” means that, in relation to an operating condition or application, the product complies with all the following requirements—

- (a) it has been specifically designed and tested for that operating condition or application, in accordance with standards produced by an international standardising body<sup>(2)</sup>;
- (b) it is accompanied by evidence, to be included in the technical documentation in the form of a certificate, a type approval mark or a test report, that the product has been specifically approved for that operating condition or application;
- (c) it is placed on the market specifically for that operating condition or application, as evidenced by the technical documentation, information provided for the product and any advertising, information or marketing materials;

“sub-compartment” means an enclosed space in a compartment having a different operating temperature range from the compartment in which it is located;

“wine storage appliance” means refrigerating appliance with only one type of compartment for the storage of wine, with precision temperature control for the storage conditions and target temperature, and equipped with anti-vibration measures.

### **Ecodesign requirements**

**10.**—(1) A refrigerating appliance with a direct sales function must conform to the ecodesign requirements set out in Schedule 3 when it is placed on the market or put into service.

(2) Manufacturers, authorised representatives and importers of refrigerating appliances with a direct sales function must comply with paragraphs 3 and 4 of Schedule 3 (resource efficiency and information requirements).

### **Conformity assessment**

**11.**—(1) For the purposes of the conformity assessment procedure referred to in Schedule 1A to the 2010 Regulations, a manufacturer assessing whether a product conforms with these Regulations must use either—

- (a) the internal design control procedure set out in Part 1 of that Schedule; or
- (b) the management system procedure set out in Part 2 of that Schedule.

(2) The technical documentation file required for the conformity assessment of a product must contain—

- (a) a copy of the product information provided in accordance with paragraph 4 of Schedule 3;
- (b) the information specified in paragraph 5 of Schedule 3; and
- (c) the details and results of any measurements or calculations carried out in accordance with regulation 13 or Schedule 4.

### **Verification procedure for market surveillance purposes**

**12.** The market surveillance authority must use the verification procedure set out in Schedule 5 when verifying the compliance of a product with the requirements of these Regulations.

### **Measurements and calculations**

**13.**—(1) The measurements and calculations required by this Chapter, or necessary for demonstrating or measuring conformity with this Chapter, must be made in accordance with designated standards, where available.

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(2) See regulation 2A of the 2010 regulations, as amended by paragraph 4 of Schedule 4 to the European Union (Future Relationship) Act 2020, for the meaning of “international standardising body”.

(2) Where designated standards are not available, the measurements and calculations referred to in paragraph (1) must be made in accordance with methods which—

- (a) can be demonstrated to be reliable, accurate, and reproducible by the person deploying them; and
- (b) take into account the generally recognised state of the art.

#### **Circumvention and software updates**

**14.—**(1) The manufacturer, importer or authorised representative must not place on the market products designed to be able to detect they are being tested (for example recognising the test conditions or test cycle), and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any of the documentation provided.

(2) The energy consumption of the product and any of the other declared parameters must not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with the explicit consent of the end-user prior to the update.

(3) The performance of a product must not change as a result of rejecting a software update.

(4) A software update must not have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.